

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Christian Mayaud
Applic. No. : 09/941,681 Confirmation No. 9573
Filed : August 30, 2001

Title : Computerized Prescription System for
Gathering and Presenting Information Relating
to Pharmaceuticals

Examiner : Samuel G. Rimell
Group Art Unit: 2165
Docket No. : RMS-47777-0005
Customer No. : 54,437

A M E N D M E N T

Mail Stop Non-Fee Amendment
Hon. Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

S i r :

Responsive to the Ex Parte Quayle Action mailed March 28, 2006
kindly amend the above-identified application as follows:

Amendments to the Specification begin on page 2 of this paper.

Amendments to the Claims begin on page 4 of this paper.

Remarks/Arguments begin on page 29 of this paper.

AMENDMENTS TO THE SPECIFICATION

In the section entitled BRIEF DESCRIPTION OF THE DRAWINGS, after description for FIG. 16, please delete any brief descriptions of record and insert the following:

FIG. 17 is a schematic block flow diagram showing a sequence of operating steps of the prescription creation system shown in FIGS. 1-11;

FIG. 18 is a diagram similar to the diagram of FIG. 17, showing a condition driven drug selection procedure;

FIG. 19 is a diagram similar to the diagram of FIG. 17, showing a drug selection evaluation procedure;

FIG. 20 is a diagram similar to the diagram of FIG. 17, showing a direct drug selection procedure; and

FIG. 21 is a diagram similar to the diagram of FIG. 17, showing a drug and condition list updating procedure.

Please delete drawing sheets of record numbered Figs 17-20 and enter the following Figs 17-21 each labeled REPLACEMENT SHEET.

REPLACEMENT DRAWING SHEETS

Five (5) replacement drawing sheets, representing Fig 17-21, are after the final page of this amendment.

Claim Amendments

This listing of the claims will replace all prior versions, and listings, of claims in the application:

Claim 70 (previously presented): A prescription generated by a computer-implemented prescription creation system having a program stored on a computer-readable medium, the system being for use by a prescriber to create an electronic prescription prescribing a drug to treat a condition exhibited by a patient at a point-of-care, said electronic prescription comprising a patient identifier, at least one prescribed drug and at least one drug quantifier for the prescribed drug and being usable by a pharmacist to dispense the prescribed drug or drugs, said prescription creation system comprising:

a. a prescription creation screen having prescriber-operable data capture devices including:

i. a patient identifier data capture device for capturing patient-identifying data;

ii. a prescribed drug data capture device for capturing prescribed drug identification data;

iii. at least one drug quantifier capture device for capturing drug quantification data;

iv. a patient condition data capture device to capture patient condition data regarding said patient condition exhibited by said patient whereby said electronic prescription further comprises said patient condition data;

and

b. a library of prescribable drug data accessible by one or more of said data capture devices from said prescription management screen to display multiple prescribable drugs;

c. a prescription output screen device to output a completed prescription;

d. a printer to print the completed prescription;

and

e. at least one preferred usage data display including a personal-preference drug-selection list for each system user wherein the system tracks preferred data usage by each system user and updates said preferred usage data displays automatically;

wherein the completed prescription includes the patient condition and identification and quantification data regarding a drug prescribed by the prescriber user for treatment of the patient condition, the patient condition and drug data being captured into the prescription by the data capture devices.

Claim 71 (cancelled).

Claim 72 (previously presented): A prescription according to claim 70 wherein at least one said preferred usage data display comprises a personal-preference condition-selection list for each system user accessible from the prescription creation system during prescription creation.

Claim 73 (previously presented):

A prescription generated by a computer-implemented prescription creation system having a program stored on a computer-readable medium, the system being for use by a prescriber to create an electronic prescription prescribing a drug to treat a condition exhibited by a patient at a point-of-care, said electronic prescription comprising a patient identifier, at least one prescribed drug and at least one drug quantifier for the prescribed drug and being usable by a pharmacist to dispense the prescribed drug or drugs, said

prescription creation system comprising:

a. a prescription creation screen having prescriber-operable data capture devices including:

i. a patient identifier data capture device for capturing patient-identifying data;

ii. a prescribed drug data capture device for capturing prescribed drug identification data;

iii. at least one drug quantifier capture device for capturing drug quantification data;

iv. a patient condition data capture device to capture patient condition data regarding said patient condition exhibited by said patient whereby said electronic prescription further comprises said patient condition data; and

b. a library of prescribable drug data accessible by one or more of said data capture devices from said prescription management screen to display multiple prescribable drugs;

c. a prescription output screen device to output a completed prescription;

d. a printer to print the completed prescription;

and

e. a patient history record for display, said patient history record listing electronically available prior prescription data including a prescribed drug and a condition treatment objective for each prescribed drug, said patient history record is a contemporaneous record dynamically assembled from multiple source record elements retrieved from multiple heterogeneous remote databases;

wherein the completed prescription includes the patient condition and identification and quantification data regarding a drug prescribed by the prescriber user for treatment of the patient condition, the patient condition and drug data being captured into the prescription by the data capture devices.

Claim 74 (previously presented): A prescription according to claim 73 in which said system further comprises a patient

condition list for selection of a patient condition for posting to said prescription, said patient condition list comprising patient conditions listed in said patient history record.

Claim 75 (previously presented): A prescription according to claim 70 in which said system further comprises a source-oriented data-retrieval subsystem, said data retrieval subsystem being connectable to access at least one data-retrieval network to retrieve source prescribing information and patient-related data to the point-of-care from at least one remote source database.

Claim 76 (original): A prescription according to claim 75 wherein said patient-related data comprises allergy or drug interaction information regarding the patient or comprises patient drug formulary changes.

Claim 77 (cancelled).

Claim 78 (previously presented): A prescription according to claim 73 in which said system includes a user interface device configured for networked digital communication with a host computer facility, wherein said patient history record is retrieved in the form of complementary record elements from multiple remote databases by said host computer facility.

Claim 79 (previously presented) :

A prescription generated by a computer-implemented prescription creation system having a program stored on a computer-readable medium, the system being for use by a prescriber to create an electronic prescription prescribing a drug to treat a condition exhibited by a patient at a point-of-care, said electronic prescription comprising a patient identifier, at least one prescribed drug and at least one drug quantifier for the prescribed drug and being usable by a pharmacist to dispense the prescribed drug or drugs, said prescription creation system comprising:

a. a prescription creation screen having prescriber-operable data capture devices including:

i. a patient identifier data capture device for capturing patient-identifying data;

ii. a prescribed drug data capture device for capturing prescribed drug identification data;

iii. at least one drug quantifier capture device for capturing drug quantification data;

iv. a patient condition data capture device to capture patient condition data regarding said patient condition exhibited by said patient whereby said electronic prescription further comprises said patient condition data; and

b. a library of prescribable drug data accessible by one or more of said data capture devices from said prescription management screen to display multiple prescribable drugs, said drugs being in a drug list and classified into groups according to patient conditions for which said drugs have efficacy and said prescription creation system further comprises a patient-condition specification procedure for selecting said condition from groups of possible conditions and an onscreen drug selection procedure for selecting said prescribed drug from said library;

c. a prescription output screen device to output a completed prescription; and

d. a printer to print the completed prescription;

wherein the completed prescription includes the patient condition and identification and quantification data regarding a drug prescribed by the prescriber user for treatment of the

patient condition, the patient condition and drug data being captured into the prescription by the data capture devices.

Claim 80 (previously presented):

A prescription generated by a computer-implemented prescription creation system having a program stored on a computer-readable medium, the system being for use by a prescriber to create an electronic prescription prescribing a drug to treat a condition exhibited by a patient at a point-of-care, said electronic prescription comprising a patient identifier, at least one prescribed drug and at least one drug quantifier for the prescribed drug and being usable by a pharmacist to dispense the prescribed drug or drugs, said prescription creation system comprising:

a. a prescription creation screen having prescriber-operable data capture devices including:

i. a patient identifier data capture device for capturing patient-identifying data;

ii. a prescribed drug data capture device for capturing prescribed drug identification data;

iii. at least one drug quantifier capture device for capturing drug quantification data;

iv. a patient condition data capture device to capture patient condition data regarding said patient condition exhibited by said patient whereby said electronic prescription further comprises said patient condition data; and

b. a library of prescribable drug data accessible by one or more of said data capture devices from said prescription management screen to display multiple prescribable drugs;

c. a prescription output screen device to output a completed prescription; and

d. a printer to print the completed prescription; said patient having a drugs benefit provider, said drugs benefit provider issuing a prescription benefit plan including a drug formulary for said patient listing at least one drug preferred by said drugs benefit provider for treatment of said condition, and wherein the system further comprises:

a drug formulary display device identifying at least one of said displayed multiple drugs as a patient's drug formulary preference for treatment of said condition, to enable selection by said prescriber of a benefit recommended drug;

whereby the patient's drug formulary preference for treatment of said condition is system-presented to the prescriber prior to completion of the prescription and wherein said patient drug formulary data comprises a condition-driven formulary drug list, and a condition-driven nonformulary drug list, said drug lists being changeable according to the patient selected to identify drugs in the selected patient's drug formulary.

wherein the completed prescription includes the patient condition and identification and quantification data regarding a drug prescribed by the prescriber user for treatment of the patient condition, the patient condition and drug data being captured into the prescription by the data capture devices.

Claim 81 (previously presented) :

A prescription generated by a computer-implemented prescription creation system having a program stored on a computer-readable medium, the system being for use by a prescriber to create an electronic prescription prescribing a drug to treat a condition exhibited by a patient at a point-

of-care, said electronic prescription comprising a patient identifier, at least one prescribed drug and at least one drug quantifier for the prescribed drug and being usable by a pharmacist to dispense the prescribed drug or drugs, said prescription creation system comprising:

a. a prescription creation screen having prescriber-operable data capture devices including:

i. a patient identifier data capture device for capturing patient-identifying data;

ii. a prescribed drug data capture device for capturing prescribed drug identification data;

iii. at least one drug quantifier capture device for capturing drug quantification data;

iv. a patient condition data capture device to capture patient condition data regarding said patient condition exhibited by said patient whereby said electronic prescription further comprises said patient condition data; and

b. a library of prescribable drug data accessible

by one or more of said data capture devices from said prescription management screen to display multiple prescribable drugs;

c. a prescription output screen device to output a completed prescription; and

d. a printer to print the completed prescription;

e. means to access remote source databases containing drug formulary information and provided by the selected patient's prescription benefits management company whereby relevant patient formulary drugs are indicated to said user on screen;

wherein the completed prescription includes the patient condition and identification and quantification data regarding a drug prescribed by the prescriber user for treatment of the patient condition, the patient condition and drug data being captured into the prescription by the data capture devices.

Claim 82 (previously presented):

A prescription generated by a computer-implemented prescription creation system having a program stored on a

computer-readable medium, the system being for use by a prescriber to create an electronic prescription prescribing a drug to treat a condition exhibited by a patient at a point-of-care, said electronic prescription comprising a patient identifier, at least one prescribed drug and at least one drug quantifier for the prescribed drug and being usable by a pharmacist to dispense the prescribed drug or drugs, said prescription creation system comprising:

a. a prescription creation screen having prescriber-operable data capture devices including:

i. a patient identifier data capture device for capturing patient-identifying data;

ii. a prescribed drug data capture device for capturing prescribed drug identification data;

iii. at least one drug quantifier capture device for capturing drug quantification data;

iv. a patient condition data capture device to capture patient condition data regarding said patient condition exhibited by said patient whereby said electronic prescription further comprises said patient condition data;

and

b. a library of prescribable drug data accessible by one or more of said data capture devices from said prescription management screen to display multiple prescribable drugs;

c. a prescription output screen device to output a completed prescription; and

d. a printer to print the completed prescription;

wherein the completed prescription includes the patient condition and identification and quantification data regarding a drug prescribed by the prescriber user for treatment of the patient condition, the patient condition and drug data being captured into the prescription by the data capture devices, and information regarding dosing of a drug pursuant to formulary guidelines, said information being formulary-qualified according to said patient condition.

Claim 83 (previously presented): A prescription according to claim 82 in which said system further comprises a user data access auditor to log information as to the time, date and identity of third party access to said user history data, to provide a user data access audit trail.

Claim 84 (previously presented):

A prescription generated by a computer-implemented prescription creation system having a program stored on a computer-readable medium, the system being for use by a prescriber to create an electronic prescription prescribing a drug to treat a condition exhibited by a patient at a point-of-care, said electronic prescription comprising a patient identifier, at least one prescribed drug and at least one drug quantifier for the prescribed drug and being usable by a pharmacist to dispense the prescribed drug or drugs, said prescription creation system comprising:

a. a prescription creation screen having prescriber-operable data capture devices including:

i. a patient identifier data capture device for capturing patient-identifying data;

ii. a prescribed drug data capture device for capturing prescribed drug identification data;

iii. at least one drug quantifier capture device for capturing drug quantification data;

iv. a patient condition data capture device to capture patient condition data regarding said patient condition exhibited by said patient whereby said electronic prescription further comprises said patient condition data; and

b. a library of prescribable drug data accessible by one or more of said data capture devices from said prescription management screen to display multiple prescribable drugs;

c. a prescription output screen device to output a completed prescription;

d. a printer to print the completed prescription;

and

e. a prescription expiration routine including dosing, amount and expiration drug quantifiers and comprising system calculation of a relationship between said drug quantifiers;

wherein the completed prescription includes the patient condition and identification and quantification data regarding a drug prescribed by the prescriber user for treatment of the

patient condition, the patient condition and drug data being captured into the prescription by the data capture devices.

Claim 85 (previously presented):

A prescription generated by a computer-implemented prescription creation system having a program stored on a computer-readable medium, the system being for use by a prescriber to create an electronic prescription prescribing a drug to treat a condition exhibited by a patient at a point-of-care, said electronic prescription comprising a patient identifier, at least one prescribed drug and at least one drug quantifier for the prescribed drug and being usable by a pharmacist to dispense the prescribed drug or drugs, said prescription creation system comprising:

a. a prescription creation screen having prescriber-operable data capture devices including:

i. a patient identifier data capture device for capturing patient-identifying data;

ii. a prescribed drug data capture device for capturing prescribed drug identification data;

iii. at least one drug quantifier capture device for capturing drug quantification data;

iv. a patient condition data capture device to capture patient condition data regarding said patient condition exhibited by said patient whereby said electronic prescription further comprises said patient condition data;

and

b. a library of prescribable drug data accessible by one or more of said data capture devices from said prescription management screen to display multiple prescribable drugs;

c. a prescription output screen device to output a completed prescription;

d. a printer to print the completed prescription;
and

e. organization-generated source data retrievable for display in said prescription-creation system from at least one remote database, an organization-directed data-access control subsystem including data-access control specification means enabling an organization to authorize selective third

party access to said organization-generated source data and comprising data access control means whereby only an authorized third party can access said organization-generated source data;

wherein the completed prescription includes the patient condition and identification and quantification data regarding a drug prescribed by the prescriber user for treatment of the patient condition, the patient condition and drug data being captured into the prescription by the data capture devices.

Claim 86 (original): A prescription according to claim 70 further including a condition list comprising at least five conditions, and a drug list comprising at least five drugs.

Claim 87 (original): A prescription according to claim 70 further including drug information comprising associated condition information and dosage information for at least about fifty percent of all prescribable FDA-approved drugs.

Claim 88 (original): A prescription according to claim 70 in which said system further comprises output means to output a newly created electronic prescription additionally to local storage to remote storage or to remote file transfer as an electronic prescription, the system providing all said output options.

Claim 89 (previously presented):

A prescription generated by a computer-implemented prescription creation system having a program stored on a computer-readable medium, the system being for use by a prescriber to create an electronic prescription prescribing a drug to treat a condition exhibited by a patient at a point-of-care, said electronic prescription comprising a patient identifier, at least one prescribed drug and at least one drug quantifier for the prescribed drug and being usable by a pharmacist to dispense the prescribed drug or drugs, said prescription creation system comprising:

a. a prescription creation screen having prescriber-operable data capture devices including:

i. a patient identifier data capture device for capturing patient-identifying data;

ii. a prescribed drug data capture device for capturing prescribed drug identification data;

iii. at least one drug quantifier capture device for capturing drug quantification data;

iv. a patient condition data capture device to capture patient condition data regarding said patient condition exhibited by said patient whereby said electronic prescription further comprises said patient condition data; and

b. a library of prescribable drug data accessible by one or more of said data capture devices from said prescription management screen to display multiple prescribable drugs;

c. a prescription output screen device to output a completed prescription;

d. a printer to print the completed prescription; and

e. means for transmitting said electronic prescription across a network for fulfillment by a specified pharmacy

wherein the completed prescription includes the patient condition and identification and quantification data regarding a drug prescribed by the prescriber user for treatment of the patient condition, the patient condition and drug data being

captured into the prescription by the data capture devices.

Claim 90 (previously presented): A prescription according to claim 88 in which said system provides a technique to print a dosage schedule output for said patient.

Claim 91 (previously presented):

A prescription generated by a computer-implemented prescription creation system having a program stored on a computer-readable medium, the system being for use by a prescriber to create an electronic prescription prescribing a drug to treat a condition exhibited by a patient at a point-of-care, said electronic prescription comprising a patient identifier, at least one prescribed drug and at least one drug quantifier for the prescribed drug and being usable by a pharmacist to dispense the prescribed drug or drugs, said prescription creation system comprising:

a. a prescription creation screen having prescriber-operable data capture devices including:

i. a patient identifier data capture device for capturing patient-identifying data;

ii. a prescribed drug data capture device for

capturing prescribed drug identification data;

iii. at least one drug quantifier capture device for capturing drug quantification data;

iv. a patient condition data capture device to capture patient condition data regarding said patient condition exhibited by said patient whereby said electronic prescription further comprises said patient condition data;

and

b. a library of prescribable drug data accessible by one or more of said data capture devices from said prescription management screen to display multiple prescribable drugs;

c. a prescription output screen device to output a completed prescription; and

d. a printer to print the completed prescription;

said patient having a drugs benefit provider, said drugs benefit provider issuing a prescription benefit plan including a drug formulary for said patient listing at least one drug preferred by said drugs benefit provider for treatment of said

condition, and wherein the system further comprises:

d) a drug formulary display device identifying at least one of said displayed multiple drugs as a patient's drug formulary preference for treatment of said condition, to enable selection by said prescriber of a benefit plan recommended drug;

whereby the patient's drug formulary preference for treatment of said condition is system-presented to the prescriber prior to completion of the prescription;

wherein the completed prescription includes the patient condition and identification and quantification data regarding a drug prescribed by the prescriber user for treatment of the patient condition, the patient condition and drug data being captured into the prescription by the data capture devices.

Remarks:

On March 28, 2006, an Ex Parte Quayle Action was mailed in the subject application setting a shortened two-month statutory deadline for response. This amendment is timely filed within the shortened statutory period.

Claims 70, 72-76, and 78-91 are pending in the subject application, claims 1-69, 71, and 77 have been previously cancelled.

In the instant Ex Parte Quayle Action, the Examiner indicated the application is in condition for allowance except for resolution of the formal matters set forth in the Action. Examiner Rimell kindly gave two possible ways to address the formal matters to be resolved. Applicant gratefully acknowledges the suggestions made by Examiner Rimell and at this time has proceeded according to suggestion (1) set forth on page 2 of the current Action.

Item (1) has requested the applicant amend the drawings for Figs. 17-21 to conform to US Patent No. 5,845,255 and include amendments to the specification to make the conformance. Applicant has, in the AMENDMENTS TO THE SPECIFICATION section of this reply requested cancellation of

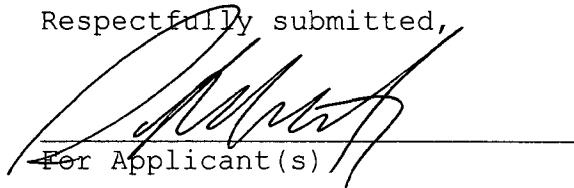
FIGS. 17-20 of record and requested entry of replacement drawing sheets labeled FIGS. 17-21. Further, applicant has amended the specification in accordance with the instruction set forth in the Action, such that the description of newly presented Figs. 17-21 conforms to the description of Figs. 17-21 found in US Pat 5,845,255.

Accordingly, applicant believes the response has addressed each of the issues raised in the current Ex Parte Quayle Action and the subject application, as now presented, is in condition for allowance. If the Examiner believes a telephonic communication would expedite allowance of this application, invitation is extended to contact the undersigned representative who is attorney of record in this case. Favorable reply is earnestly solicited.

If an extension of time for this paper is required, petition for extension is herewith made.

Please charge any other fees which might be due with respect to Sections 1.16 and 1.17 to the Deposit Account of Robert M. Schwartz, P.A. 19-0734.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Robert M. Schwartz". It is written in a cursive, flowing style with some loops and variations in thickness.

For Applicant(s)

AKD:cgm

April 27, 2006

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REPLACEMENT SHEET

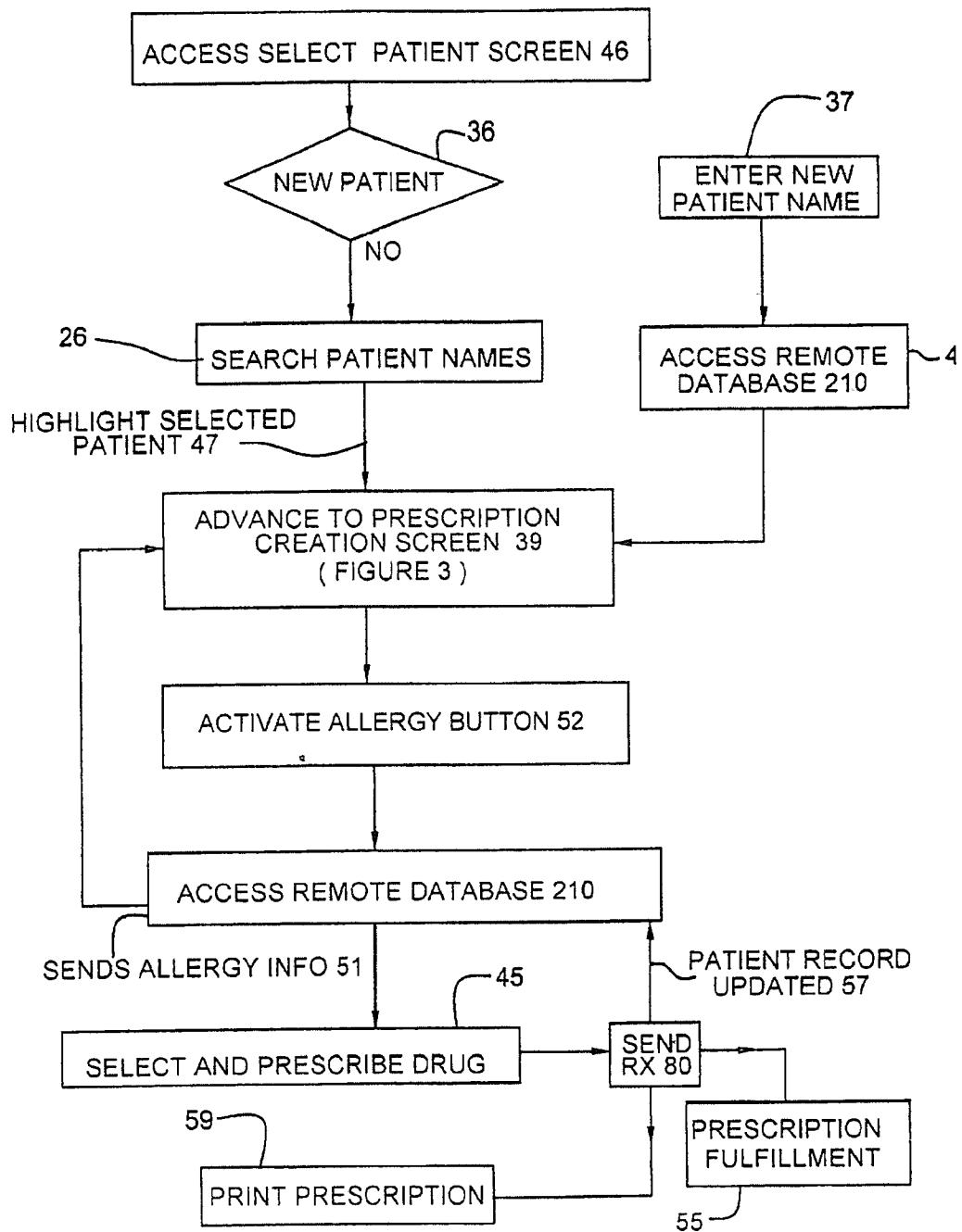


Figure 17

REPLACEMENT SHEET

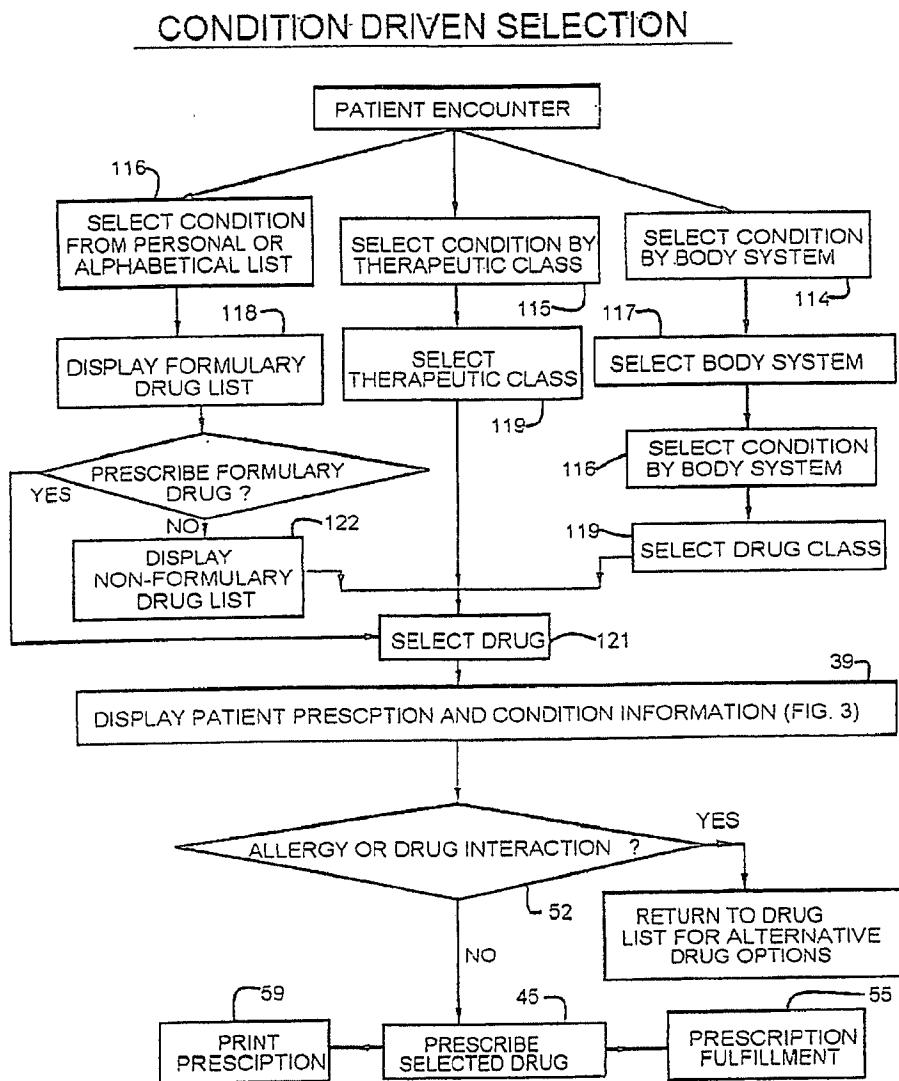


Figure 18

REPLACEMENT SHEET

DRUG SELECTION EVALUATION

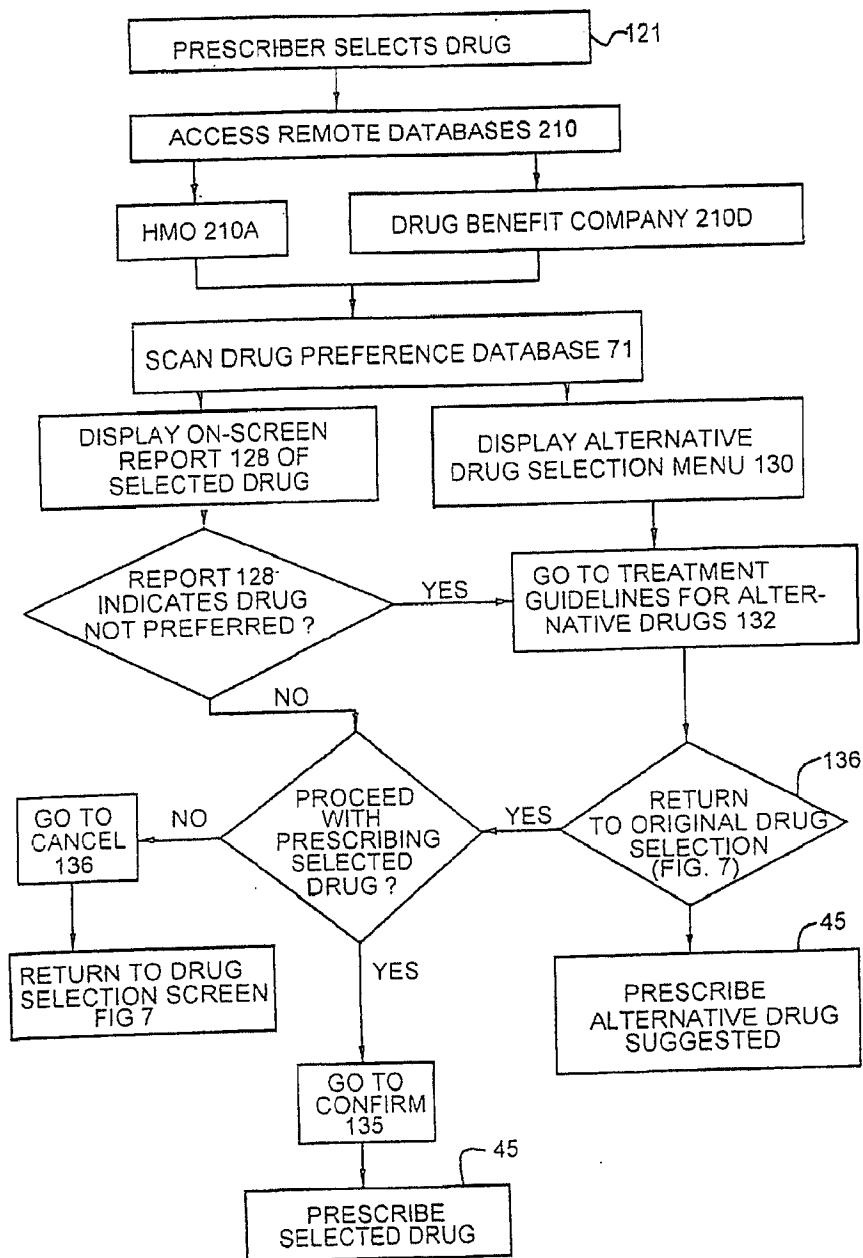


Figure 19

REPLACEMENT SHEET

DIRECT DRUG SELECTION

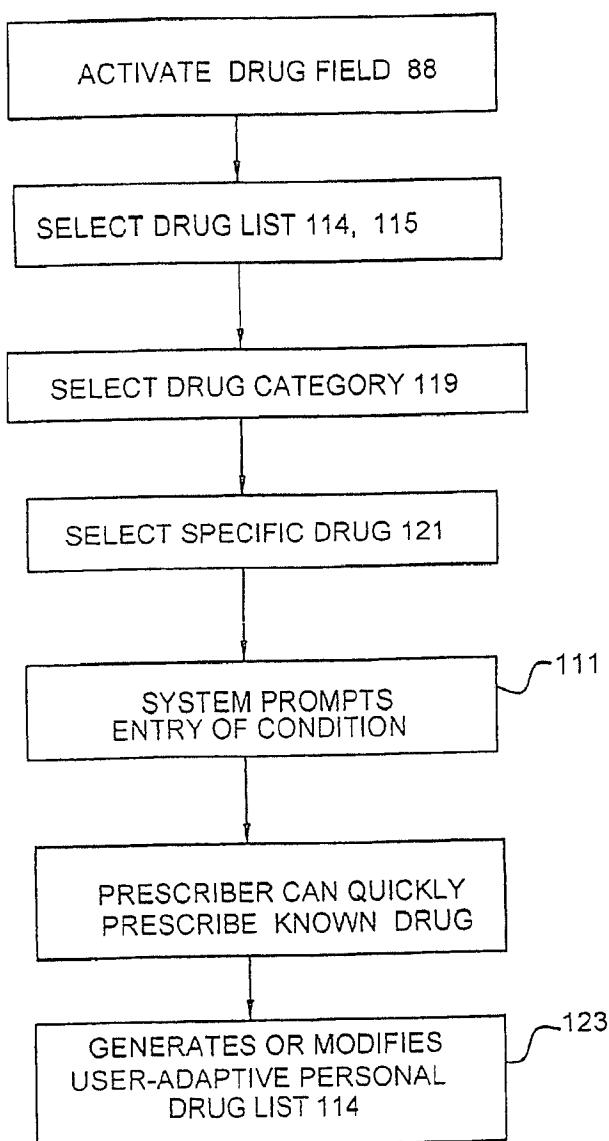


Figure 20

REPLACEMENT SHEET

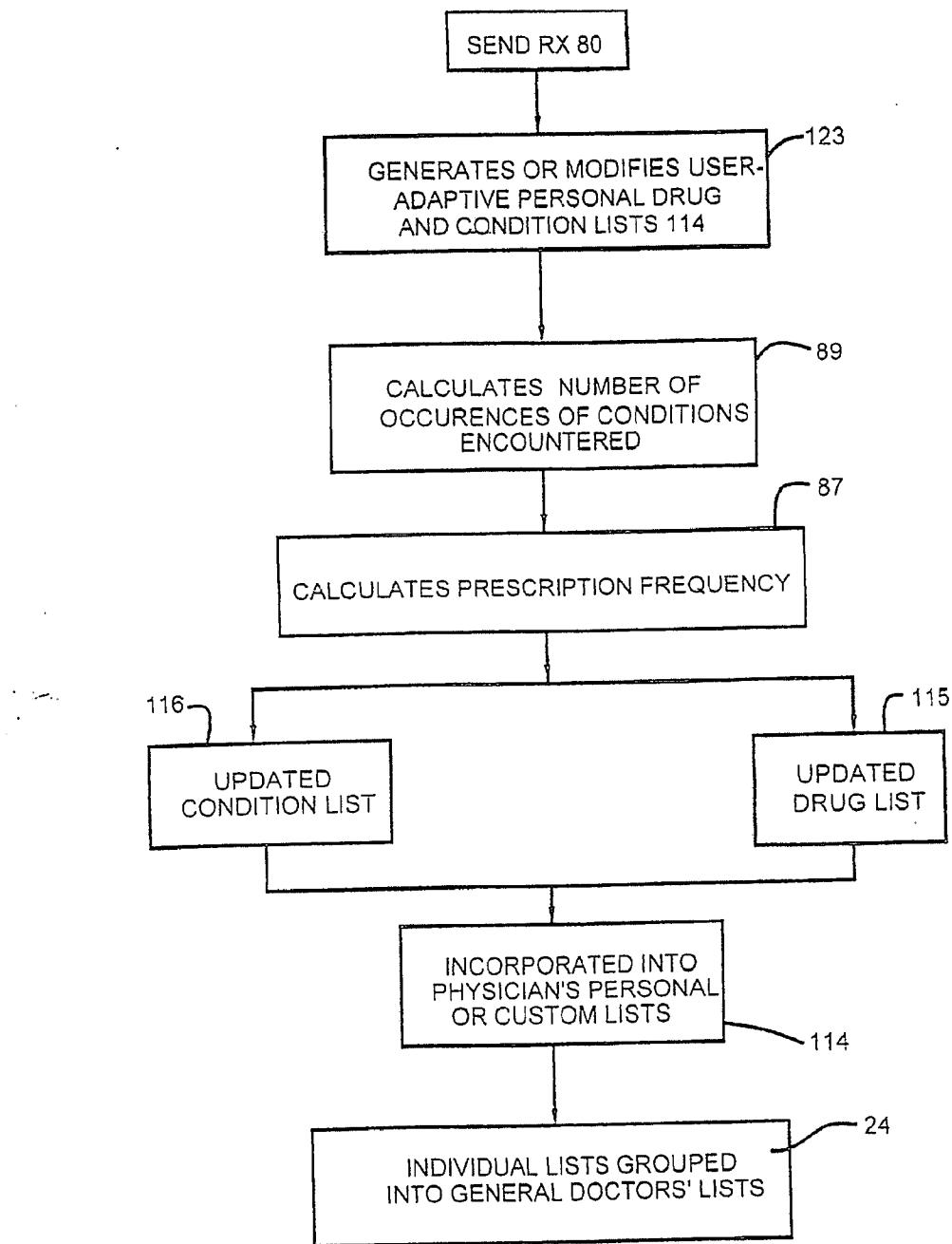


Figure 21